Amendments to the Drawings

The attached three (3) sheets of replacement drawings include changes to FIGS. 3, 5, and 6, and replace the corresponding original sheets that included these figures. FIGS. 3, 5, and 6 have been amended to include reference characters to elements depicted therein in accordance with the Examiner's requirement.

The attached new sheet of drawings includes a new FIG. 7 depicting a configuration of a server.

Attachment: Three (3) Replacement Sheets (FIGS. 3, 5, and 6)

One (1) New Sheet (FIG. 7)

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REMARKS

Claims 20-24 are canceled without prejudice to their continued prosecution in a continuation and/or divisional application.

The amendments to the specification were made for clarification in view of the amendments to FIGS. 3, 5, and 6 and in view of new FIG. 7.

The amendments to claims 1, 4-5, 7, 12, and 17 were made for clarification and are fully supported by the description in the specification (e.g., page 17, lines 25-32; page 20, line 20 to page 22, line 14; etc.).

New FIG. 7 is fully supported by the description in the specification (e.g., page 9, lines 6-16).

No new matter has been added. Upon entry of this Response, claims 1-19 are present and active in the application.

Objection to Drawings

1.   The objection to the drawings under 37 CFR 1.83(a) as failing to show every feature of the claimed invention is in part respectfully traversed and in part obviated by amendment. The "management apparatus," "control means," "storage means," and "analyzer identification information" recited in claim 1, and the "terminal device" recited in claim 5, are clearly shown in the drawings.

By way of example, the "management apparatus" is depicted in FIG. 1 as server **1**.

The "storage means" is depicted in FIG. 1 as the examination information database **12** in server **1**. One of ordinary skill in the art would readily have recognized that database **12** is part of the storage area of the hard disk of server **1**.

The "control means" is realized by a CPU executing the application program **11**, which is also shown in FIG. 1. A depiction of the CPU itself has been provided in new FIG. 7.

The "terminal device" is shown in FIG. 1 as client computer **4**.

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The "analyzer identification information" is shown in FIG. 2 as "Sample/Analyzer codes," which correspond to the "sample and analyzer specification codes" described in the specification (e.g., page 13, lines 6-15).

Thus, inasmuch as each of the "management apparatus," "control means," "storage means," and "analyzer identification information" recited in claim 1, and the "terminal device" recited in claim 5, is depicted in one or more of the drawings, Applicant respectfully submits that the drawings are in full compliance with 37 CFR 1.83(a). Accordingly, withdrawal of this ground of objection is respectfully requested.

2.   The objection to FIGS. 3, 5, and 6 for not including reference characters corresponding to the description in the specification has been obviated by amendment. Accordingly, withdrawal of this ground of objection is respectfully requested.

Objection to Specification

The objection to the Abstract of the Disclosure for containing the term "means" has been obviated by amendment. Accordingly, withdrawal of this ground of objection is respectfully requested.

Claim Rejections – 35 U.S.C. § 112

The rejection of claims 1-19 under 35 U.S.C. § 112, second paragraph, as being indefinite is in part obviated by amendment and in part respectfully traversed.

The specification provides ample structural support for the "storage means" and "control means" recited in claims 1 and 12. By way of example, as noted above, the "storage means" are embodied by examination information database 12, which is part of the hard disk in server 1. In addition, as further noted above, the "control means" are embodied by the CPU 71 of server 1 executing the application program 11. In particular, the dilution rate calculation module 113 is executed for correcting the result of an assay.

Furthermore, the "analyzer identification information" recited in claims 1 and 12 likewise enjoys ample structural support in the specification. For example, as noted above, the specification describes "sample and analyzer specification codes" that are

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stored in examination information database **12**, as shown in FIG. 2. The specification further describes that the sample and analyzer specification codes are "for specifying the type of sample and analyzer used" (e.g., page 13, lines 6-15). Furthermore, the specification describes that "[t]he assay result stored in the examination information database 12 is examined by the correction determining module 115 to identify whether or not the sample was assayed by an analyzer provided with a dilution mode" (e.g., page 20, lines 20-23).

Finally, the relation between claims 5 and 7 has been clarified by amendment.

For at least the reasons set forth above, Applicant respectfully submits that the claimed invention particularly points out and distinctly claims the subject matter which Applicant regards as the invention. Accordingly, withdrawal of this ground of rejection is respectfully requested

Claim Rejections – 35 U.S.C. § 102

The rejection of claims 1-19 under 35 U.S.C. § 102(b) as being anticipated by *Okuno et al.* (EP 1107159A2) is respectfully traversed. As presently written, each of independent claims 1 and 12 recites "a storage means configured for storing a result of an assay output from the analyzer, analyzer identification information for identifying whether or not the analyzer used for the assay has a dilution mode, and diluted sample identification information for identifying whether or not [a] sample used in the assay is a diluted sample," and "a control means configured for determining whether the analyzer used in the assay has a dilution mode and the sample used in the assay is a diluted sample, and for correcting the result when the analyzer used in the assay does not have a dilution mode and the sample used in the assay is a diluted sample." Neither of these elements is taught or suggested by *Okuno et al.*

In response to the argument advanced in the Office Action (page 7, second full paragraph) that "[t]he only distinction between Applicant's claims and the prior art is recited functional language, Applicant respectfully draws attention to section 2173.01 of the MPEP sanctioning the use of functional language as well as to the mandates of MPEP 2173.05(g), which states:

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> [a] functional limitation <u>must be evaluated and considered,</u>
> just like any other limitation of the claim, for what it fairly
> conveys to a person of ordinary skill in the pertinent art in the
> context in which it is used. A functional limitation is often
> used in association with an element...to define a particular
> capability or purpose that is served by the recited element....
> [emphasis added]

As noted above, structures corresponding to the "storage means" and "control means" recited in independent claims 1 and 12 have been thoroughly described in the specification and, in accordance with MPEP 2106, the claimed invention must therefore be construed to read on these structures and their equivalents.

Okuno et al. describes a support method for an analysis device **2** in which a control device **1** has a user control database **14** that stores analysis device error history, number of times operated, QC data, and log information (e.g., paragraph [0075]). However, *Okuno et al.* does not teach or suggest that the user control database **14** described therein is "configured for storing a result of an assay output from the analyzer, analyzer identification information for identifying whether or not the analyzer used for the assay has a dilution mode, and diluted sample identification information for identifying whether or not [a] sample used in the assay is a diluted sample," as required by each of the independent claims. Furthermore, *Okuno et al.* contains no teaching or suggestion that the control device **1** described therein is "configured for determining whether the analyzer used in the assay has a dilution mode and the sample used in the assay is a diluted sample, and for correcting the result when the analyzer used in the assay does not have a dilution mode and the sample used in the assay is a diluted sample," as further required by each of the independent claims.

Inasmuch as *Okuno et al.* fails to teach or suggest "a storage means" and "a control means" in the sense required by each of independent claims 1 and 12, Applicant respectfully submits that the claimed invention is neither anticipated by nor would have been obvious in view of this reference. Accordingly, withdrawal of this ground of rejection is respectfully requested.

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Conclusion

In view of the Amendment and Remarks set forth above, Applicant respectfully submits that the claimed invention is in condition for allowance. Early notification to such effect is earnestly solicited.

If for any reason the Examiner feels that the above Amendment and Remarks do not put the claims in condition to be allowed, and that a discussion would be helpful to advance prosecution, it is respectfully requested that the Examiner contact the undersigned agent directly at (312)-321-4257.

Respectfully submitted,
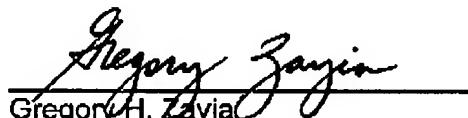
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